IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 4802 OF 2005

M/s. Supreme Motors & Ors ...Applicants

Versus

Tata Motors Ltd. & Anr ...Respondents

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Mr. Parwez SIddiqui, Advocate for Applicant

Mr. Avesh Kaysar and Mr. K.S. Pachoo, Advocate for Respondent No.1.

Mr. S.R. Shinde, A.P.P. for State.

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CORAM: SMT. V.K. TAHILRAMANI, J.

DATED: 4TH OCTOBER, 2005

P. C.:-

1. Heard the learned advocate for the applicants i.e. original accused, the learned advocate for respondent No.1 i.e. original complainant and the learned A.P.P. for State.

2. The applicants have prayed for quashing of complaint No. 316/S/2002 (81/Misc/2001 and 5/I & R/2002) which is pending before the learned Metropolitan Magistrate, 18th Court, Girgaon, Mumbai.

3. The learned advocate for the respondent i.e. original complainant states that the matter has been amicably settled between the parties and the

complainant does not wish to pursue its complaint. The learned advocate for the respondent i.e. original complainant further states that they have no objection to the said case being quashed. Reliance is placed on the various decisions, wherein where the disputes are settled and the complainant did not wish to pursue his/her complaint, the complaint came to be quashed. The said decisions are;-

i). B.S. Joshi Vs. State of Haryana, AIR 2003 SC 1386,

ii) Fahimuddin Vs. State of U.P., AIR 1981 SC 2008(3),

iii) Judgment of the Division Bench of this Court in Cri. W.P. No. 1672 of 2002 dated 20.12.2002 (Alan Douglas Grant Vs. State of Mah.)

iv) Order dated 27.3.2001 passed by His Lordship Mr. Justice S.S. Parkar in Cri. W.P. No. 366 of 2001.

4. Looking to the fact that the complainant does not wish to pursue its complaint, I am of the opinion that this Court can consider the prayer of the applicants and quash the prosecution in the said case. Hence, Case No. 3/M/2003 which is pending before the learned M.M. 37th Court, Esplanade, Mumbai and the proceedings relating thereto are quashed. All the properties seized by the investigating agency be returned to the complainant.

5. Application is disposed of.

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